

Notice of Allowability

Application No.

09/538,466

Examiner

Yogesh C Garg

Applicant(s)

WHITE, DANIEL F

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/13/2004, Telephone Interview on March 3 & 4, 2005.
2. ☒ The allowed claim(s) is/are 7,10,11,13-16,19,20 and 22-24.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 3/3/2005.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 3/29/2000
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Yogesh C Garg
Primary Examiner
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DETAILED ACTION

1. The Applicant's Amendment received on December 13, 2004 in reply to Non-Final office action mailed on September 9, 2004 is acknowledged and entered. The Applicant has amended claims 15 and 24 and withdrawn claims 12 and 25. Currently claims 7-11, 13-20 and 22-24 are pending for examination.

Response to Arguments

2. Applicant's arguments, see pages 11-14, filed on 12/13/2004, with respect to rejection of claims 7-11, 13-15, 19 and 24 under 35 U.S.C. 112, first paragraph and rejection of claims 7-15, 16-20 and 22-24 under 35 U.S.C. 112, second paragraph have been fully considered and are persuasive in view of the amendments made to claims 15 and 24 and further in view of the cancellations of claims 8-9, 12 and 17-18, 25 (as agreed to in a telephone interview with attorney Mr. David M. Lockman on 3/3/2005 & 3/23/2005). Accordingly all rejections under 35 U.S.C. 112, first paragraph and 35 U.S.C. 112, second paragraph presented in the office action mailed on 9/9/2004 have been withdrawn.

Drawings

3. The drawings filed on 6/26/2003 (Fig.4) and on 11/14/2002 (FIGS. 1, 2,3 and 5) are acceptable subject to correction of the informalities indicated as below :

Revised sheets for Figs. 1,2,3 and 5 are required in accordance with 37 CFR 1.84 (p) and 1.84 (q).

In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

Examiner's Amendment

4 An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with attorney Mr. David M. Lockman on 3/3/2005 and 3/4/2005.

In the instant application, claims 8-9, 17-18 are canceled and claims 15,16 and 24 are amended, as follows:

Claim 8: Canceled.

Claim 9: Canceled.

Claim 12: Canceled.

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Claim 15. The system of claim 7, further comprising:

a basket for holding a prepared order;

an anti-theft device coupled to the basket; and

a detector for detecting unauthorized removal of the basket from [a cafeteria] the automated check-out station site so that the anti-theft device has to be de-activated in order for the basket to be removed from the [cafeteria] automated check-out station site without generating an alarm.

Claim 16. A method for automating cafeteria order correlation comprising:

presenting a menu over a public-access network;

selecting menu items from the presented menu over the public-access network to comprise an order;

assigning an order number to the order comprised of the selected menu items;

receiving the assigned order number over the public-access network;

storing the assigned order number received over the public-access network in a storage unit;

generating a label identifying the assigned order number for a corresponding prepared order comprised of selected menu items;

retrieving [[a]] the stored assigned order number from [[a]] the storage unit at [[a]] an automated check-out station site where prepared orders having generated labels are located; and

verifying that the stored assigned order number retrieved at the site corresponds to the generated label identifying the assigned order number for a prepared order so the prepared order may be obtained contemporaneously with the assigned order number verification.

Claim 17: Canceled.

Claim 18: Canceled.

Claim 24. The method of claim 16, the method further comprising:

an anti-theft device to a basket containing a prepared order;

detecting unauthorized removal of the basket containing the prepared order from [a cafeteria] the automated check-out station site; and

deactivating the anti-theft device in response to the verification that the stored assigned order number corresponds to the assigned order number for the prepared order in the basket.

Claim 25: Canceled.

Allowable Subject Matter

5. By virtue of the above Examiner's Amendment, claims 7, 10-11, 13-16, 19-20 and 22-24 are allowed. Claims 7 and 16 are independent. Claims 10-11, 13-15, and 19-20, 22-24 are dependencies of claims 7 and 16 respectively.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 1 and 16

The prior art of record neither anticipates nor fairly and reasonably teaches a method and a system for a computer implemented method for providing an "Automated Cafeteria", that enables a customer to remotely order a meal and then travel to the cafeteria where the corresponding prepared order is obtained at an automated check-out station, comprising, *inter alia*, the steps of: (a) presenting a menu over a public-access network; (b) selecting menu items from the presented menu over the public-access network to comprise an order; (c) assigning an order number to the order comprised of the selected menu items; (d) receiving the assigned order number over the public-access network; (e) storing the assigned order number received over the public-access network in a storage unit; (f) generating a label identifying the assigned order number for a corresponding prepared order comprised of selected menu items; (g) retrieving the stored assigned order number from the storage unit at an automated check-out station site where prepared orders having generated labels are located; and (h) verifying that the stored assigned order number retrieved at the site corresponds to

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the generated label identifying the assigned order number for a prepared order so the prepared order may be obtained contemporaneously with the assigned order number verification (see claims 7 and 16).

The above underlined novelty is commensurate with both the original disclosure, the arguments in the said amendment and the claims 7 and 16 (as amended).

Particularly refer to following:

Applicant's remarks on page 10, line 13-page 11, line 12 of the said Amendment:

" Applicant's invention is entitled "Automated Cafeteria." That title refers to a system that enables a customer to remotely order a meal and then travel to the cafeteria where the corresponding prepared order is obtained and purchased at an automated check-out station. Therefore, a remote ordering interface is used to specify items in a customer's order so that the items in the order may be prepared, assembled together, and associated with an order number that is printed on a label. The order number is assigned by the system that accepted the order for preparation. The assigned order number identifies the order, not the customer, and is communicated to the customer so that the customer can identify and claim the assembled order from a plurality of assembled orders housed at a publicly accessible area. An automated check-out station retrieves the assigned order number from a storage unit brought to the automated check-out station from the remote ordering site and verifies that the order number in the storage unit corresponds to the order number associated with an assembled order being presented at the automated station for purchase. The claims are directed to the system that (1) enables a customer to place an order, (2) generates an assigned order number for the order, (3) transmits the number to the customer for use in identifying and obtaining the order, and (4) verifies that the assigned order number on the label of a prepared order corresponds to the order number retrieved from a storage unit in which the transmitted number is stored so the correct order is selected and purchased by the customer.".

See also the Applicant's specification (page 2, line 12-page 3, line 4, page 4, lines 3-7, page 4, line 25-page 5, line 9, page 7, line 20-page 8, line 18 and page 10, lines 5-14).

Claims 10-11, 13-15, and 19-20, 22-24.

Since claims 10-11, 13-15, and 19-20, 22-24 are dependencies of claims 7 and 16 respectively the reasons for allowance for all the dependent claims is same as for claims 7 and 16 given above.

7. Discussion of most relevant prior art:

(i) The closely applicable prior art of record is referred to in the office action, mailed on September 9, 24, Cupps (US Patent 5,991,739) in view of Miller (US Patent 4,882,475) and further in view of Sehr (US Patent 6,085,976). Cupps discloses an online ordering method and system on Internet to order food products from various participating restaurants, such that a customer is provided with a men web-page, Miller discloses a system and method for ordering pizzas for home delivery or pick up, and Sehr discloses travel methods and systems including generation of labels for deposited luggage so that it is retrieved correctly at the destination point. Cupps in view of Miller and further in view of Sehr fails to render obvious the application's above-mentioned underlined unique features(s), see the Applicant's comments in the amendment, page 14, line 18-page 15, line 10:

"..... The references do not recognize the problem of identifying an assembled order for its corresponding customer in a publicly accessible area and then confirming the correlation of the assembled order and customer at an automated check-out station. The Examiner continues to rely on two references, Cupps and Miller, that disclose the remote ordering of food items with delivery or attended pick-up of the remotely ordered items to a customer. The system of Sehr relates to the customer's deposit of luggage and generation of labels for confirming correct retrieval of the deposited luggage. However, even if one of ordinary skill in the art were motivated to combine the Cupps/Miller/Sehr references into a single combination, although Applicant maintains that the record is devoid of any such motivation, the combination would fail to provide the transmission of an assigned order number to a remote location so that the order number may be transported to a site where assembled orders are publicly available in order to assist a customer in locating a corresponding assembled order and enabling an automated station to verify the correlation at the time of purchase. "

(ii) The reference Kipp (US Patent 5,890,136) teaches a Quick stop Mass Retail system which allows a user communicate with a web site to place orders using a computer for later pick-up of the ordered products including an automated check-out system which retrieves identification data related to order from a stored unit to verify with the order data of the items to be picked up from the automated station site and verifies before the buyer is able to obtain the prepared order (see at least col.2, lines 21-38 and col.3, lines 1-67). However, Kipp fails to anticipate or render obvious the application's above-mentioned underlined unique features(s). See also applicant's remarks on pages 16-17 of the Amendment,

"...it does disclose a remote ordering interface and a type of automated station for order pick-up. Still, the system of Kipp does not teach or suggest the generation of an assigned order number at the

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order processing site, the communication of the assigned order number to the customer's computer, the storage of that number in a unit at the computer, the de-coupling of the unit from the computer for transportation to the pick-up site, and the verification that the assigned order number in the de-coupled storage unit corresponds to the assigned order number printed on a label associated with an assembled order. Instead, the system of Kipp only requires the customer to provide customer identification, not order identification, at the pick-up site. This difference is substantial because the system of Kipp provides only one order that is assembled at the time of pick-up to the customer. Therefore, it does not address the problem solved by Applicant's invention, namely, the identification of an assembled order held in a publicly accessible area so the customer can accurately identify the order and an automated station can verify the correspondence of the assigned order number on the order label and the one stored in a storage unit that was de-coupled from a customer computer and brought to the automated station. "

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) WO 98/48563 to David discloses a system and a method for Retail system e.g. for purchasing goods over Internet - has point of sale connected to network, transactions computer with purchaser network computer communicates with point of sale to order goods from it which is also connected via PST to transactions computer, see at least abstract but fails to anticipate or render obvious the application's above-mentioned underlined unique features(s).

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

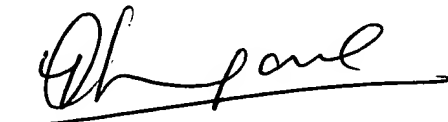
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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
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YCG
March 3, 2005